

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

JEREMY RUSSELL WALLACE

§
§
§
§
§

Case No. 4:06cr257
(Judge Schell)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 9, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On March 5, 2007, Defendant was sentenced by the Honorable Richard A. Schell to twenty-seven (27) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On August 29, 2008, Defendant completed his period of imprisonment and began service of his supervised term.

On March 19, 2009, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: (1) that he not commit another federal, state, or local crime; and (2) that he shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations by admitting that he possessed a firearm on March 10, 2009, in Gainesville, Texas. All remaining factual allegations were dismissed by agreement of the parties. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one day with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 10th day of March, 2010.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE